C2 cont

at least one notch formed in said bracket such that when said bracket is attached to said bridging member, at least one said notch extends at an incline to the elongated axis of said bridging member.

C3

4. (Twice amended) The stud bridging/spacing member of claim 1, wherein said notches extend inwardly at an angle of about five and a half degrees to about eight degrees relative to an axis that is perpendicular to the longitudinal axis of said bridging member.

REMARKS

I. Status of the Subject Application

At the outset, Applicant wishes to express appreciation to Examiner Horton for determining that the subject application contains patentable subject matter.

Claims 1, 4-24, 27-37, 42, and 43 are pending in the subject application. Claims 21-24, 27-37, 42, and 43 are allowed. Claims 4, 5, 14, 15, and 17-20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 1, 6-13 and 16 stand rejected. In the present Amendment, Applicant has amended a paragraph in the specification to correct an inadvertent typographical error. Applicant has also amended claims 1 and 4. A separate paper entitled Marked Up Version Showing Changes Made is enclosed.

II. Rejections Under 35 U.S.C. § 112

The Official Action provides that claims 1 and 4-20 are rejected under 35 U.S.C. § 112,

second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In particular, the Official Action provides that "[c]laim 1 recites that a notch is formed in the bracket. However, the specification and drawings clearly show the notch as being formed in the bridging member. Thus, until further clarification, the claims have been examined as the notch being in the bridging member and not in the bracket."

Responsive to this rejection, Applicant respectfully submits that the subject application as originally filed teaches various embodiments with the claimed attributes. In particular, the subject application provides:

> As shown in Figs. 21, a system for bridging/spacing studs which may or may not be irregularly spaced is shown. Through each stud 450 having a standard conduit punch-out 453 a stud bridging/spacing member 452 passes therethrough and has a width approximately equal to the width of the conduit opening 453. See Figure 23. **A bracket 454 is mounted adjacent of the bridging/spacing member 452 and has a pair of notches 460 therein for engaging the web 451 of the stud 450. A set of holes 458 in the bracket 454 may be used to attach the bracket 454 to the bridging/spacing member 452 with fasteners 459. Since the bracket 454 can be attached to the bridging/spacing member 452 at any point along the length of the bridging/spacing member 452, the bridging/spacing member 452 can be securely mounted to the stud 450 regardless of the spacing between the studs 450.** As shown in Figs. 24-26, an alternative bracket 554 is shown having only two openings 558 therein for fasteners to pass therethrough. Self-threading sheet metal screws (not shown) are preferred. However, other fattener [sic] and fastener arrangements may be used. In this embodiment, the bracket 554 is approximately 2.5 inches (63.5mm) long (distance "A") and the notches 560 are approximately .75 inches (19mm) offset from the holes 558.
>
> An alternative bridging/spacing member 654 is shown in Figs. 27-29. The only difference between the bridging/spacing member 654 shown in Figs. 26-28 and the bridging/spacing member 452 shown in Figs. 21-23 is that the bridging/spacing member 654 has been predrilled with holes 656 at typical stud spacing distances. For example, distance "C" may be one inch (25.4mm), distance "D" may be 16 inches (406mm) and distance "E" may be 8 inches (203mm). Also in this embodiment, the bridging/spacing member 654 is approximately 1.5 inches (38mm) wide (distance "F" in Figure 28). As a result, such a bridging/spacing member 654 may be more quickly mounted in a series of regularly spaced studs.

Page 21, line 22-page 22, line 22 of the subject application as originally filed (emphasis added). Thus, these passages of the subject application disclose embodiments of the subject invention wherein the notch or notches are formed in the bracket. These embodiments are illustrated in Figures 21-29. Accordingly, Applicant traverses this rejection.

The Official Action further provides that "claim 1, last line recites that the notch is at an inclined to the 'longitudinal axis thereof'." However, although the claim defines a longitudinal axis to the bridging member, [I]t is not clear if 'thereof' is referring to the longitudinal axis of the bridging member or another element of the invention. Until further clarification, the notch is being examined as being at an angle to the longitudinal axis of the bridging member." Responsive to this statement, Applicant has amended claim 1 to clarify that the notch is at an angle relative to the elongated axis of the bridging member.

The Official Action further provides that " [I]n claim 4 it is not clear which direction is inward from the perpendicular. Clarification is required." Responsive to this rejection, Applicant has amended claim 4 to recite that the notches extend inwardly relative to and axis that is perpendicular to the longitudinal axis of the bridging member. Removal of this rejection is respectfully requested.

III. The Rejections Under 35 U.S.C. § 103

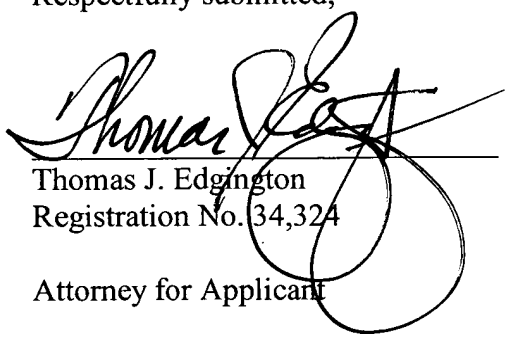
Claims 1, 6-13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,448,004 to Thorsell in view of U.S. Patent No. 5,784,850 to Elderson. Responsive to this rejection and without acquiescing to any of the statements made in the Official Action, Applicant submits that even if one were to combine the teachings of Elderson and

Thorsell, which Applicant submits that there is no motivation to do so, the resulting combination would at least lack a bracket that is attachable to the bridging member at any of a plurality of locations and which has at least one notch **formed in the bracket** such that when the bracket is attached to the bridging member, at least one notch extends at an incline to the elongated axis of the bridging member. Accordingly, a *prima facie* case of obviousness has not been established with respect to claims 1, 6-13 and 16.

IV. Conclusion

Examination of the subject application and issuance of a Notice of Allowance at an early date are earnestly solicited. However, if the Examiner has any remaining concerns regarding Applicant's present Amendment, she is invited to contact the Applicant's undersigned attorney at the telephone number listed below so that those concerns may be expeditiously addressed.

Respectfully submitted,



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VERSION WITH MARKINGS SHOWING CHANGES MADE

In the Specification

Please rewrite the paragraph beginning on line 22 of page 21 as follows:

As shown in [Figs.] Fig. 21, a system for bridging/spacing studs which may or may not be irregularly spaced is shown. Through each stud 450 having a standard conduit punch-out 453 a stud bridging/spacing member 452 passes therethrough and has a width approximately equal to the width of the conduit opening 453. See Figure 23. A bracket 454 is mounted adjacent of the bridging/spacing member 452 and has a pair of notches 460 therein for engaging the web 451 of the stud 450. A set of holes 458 in the bracket 454 may be used to attach the bracket 454 to the bridging/spacing member 452 with fasteners 459. Since the bracket 454 can be attached to the bridging/spacing member 452 at any point along the length of the bridging/spacing member 452, the bridging/spacing member 452 can be securely mounted to the stud 450 regardless of the spacing between the studs 450. As shown in Figs. 24-26, an alternative bracket 554 is shown having only two openings 558 therein for fasteners to pass therethrough. Self-threading sheet metal screws (not shown) are preferred. However, other [fattener] fastener and fastener arrangements may be used. In this embodiment, the bracket 554 is approximately 2.5 inches (63.5mm) long (distance "A") and the notches 560 are approximately .75 inches (19mm) offset from the holes 558.

In the Claims

Please amend claims 1 and 4 as follows:

102, 4693047 2. (Twice amended) A stud bridging/spacing system adaptable to engage one or more studs, comprising:

a bridging member having a longitudinal axis;

a bracket attachable to the bridging member at any of a plurality of locations; and

at least one notch formed in said bracket such that when said bracket is attached to said bridging member, at least one said notch extends at an incline to the elongated axis [thereof] of said bridging member.

X 4. (Twice amended) The stud bridging/spacing member of claim 1, wherein said notches extend inwardly at an angle of about five and a half degrees to about eight degrees relative to [a] an axis that is perpendicular to the longitudinal axis of said bridging member.